

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEMORLEY JOSEPH SCOTT,

Plaintiff,

-v.-

Civil Action No.
9:07-cv-936 (GLS/DRH)

RICHARD LAUX, Doctor, Auburn
Correctional Facility,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

KEMORLEY JOSEPH SCOTT
Plaintiff Pro Se
Krome Detention Center
18201 SW 12th Street
Miami, FL 33194

FOR THE DEFENDANTS:

HON. ANDREW M. CUOMO
Attorney General for the State of New York
Counsel for Defendants
The Capitol
Albany, New York 12224

RICHARD LOMBARDO
Assistant Attorney General

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed July 30, 2008. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein. The plaintiff was granted an extension until August 29, 2008 in which to file objections.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

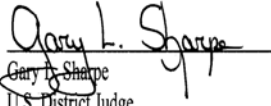
ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed July 30, 2008 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that Defendant's Motion to Dismiss (Dkt. No. 14) is GRANTED and that the complaint is DISMISSED in its entirety, and it is further

ORDERED, that the Clerk enter judgment in favor of the defendants against the plaintiff.

IT IS SO ORDERED

Dated: September 18, 2008
Albany, New York


Gary L. Sharpe
U.S. District Judge